

ORIGINAL
GFWO

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2014 NOV 24 PM 4:02

CLERK OF COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESIREE ALIA BAKHSHAI (01),

Defendant.

§
§
§
§
§
§
§
§
§

Case No. 4:14-CR-127-A

**UNOPPOSED MOTION TO MOVE SENTENCING HEARING TO ITS ORIGINAL
DATE OF DECEMBER 5, 2014**

COMES NOW defendant, DESIREE ALIA BAKHSHAI, by and through her counsel, Erin Brennan, Assistant Federal Public Defender, and hereby requests this Court to move defendant's sentencing hearing to its original date of December 5, 2014. In support thereof, defendant submits the following:

1. This case was originally scheduled for a sentencing hearing on Friday, December 5, 2014, at 9:00 a.m. in Fort Worth, Texas. However, after two revisions to the scheduling order, the case is now scheduled for a sentencing hearing at 9:00 a.m. on Friday, January 2, 2015.

2. Ms. Bakhshai is the only defendant charged in a one-count indictment alleging a violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(C) for possession with intent to distribute methamphetamine. Defendant is currently in the custody of the United States Marshals Service and is being housed at Parker County Jail.

3. Defendant requests the sentencing hearing be moved to its original date of December 5, 2014, because defendant is pregnant and expects to deliver her baby on January 4, 2015. A report of pregnancy has been attached as Exhibit A to this motion. Not only will it be mentally and

physically challenging to face sentencing two days before her due date, as the presentence investigation report indicates, defendant is also hoping to enter the Mothers and Infants Nurturing Together (MINT) program offered by the Bureau of Prisons (BOP). Defense counsel has contacted BOP and the five-year maximum sentence requirement to enter the MINT program may be waived and defendant may be eligible for the program. BOP officials are more than willing to work with defendant, however, she must be sentenced by December 5, 2014.

4. Defendant certifies that this request is not made for the purposes of unwarranted delay or due to a lack of due diligence by defense counsel.

5. Defendant respectfully requests that the Court move the sentencing hearing from January 2, 2015, to December 5, 2014.

6. Defense counsel has discussed this motion with the Assistant United States Attorney assigned to the case, Mr. J. Michael Worley, and he has advised that the government is not opposed to this motion. Mr. Worley also indicated that he is available for a sentencing hearing on December 5, 2014.

WHEREFORE, defendant respectfully requests this Court to move the sentencing hearing in the above-entitled cause number to Friday, December 5, 2014 at 9:00 a.m.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas



ERIN L. BRENNAN
Assistant Federal Public Defender
819 Taylor Street, Room 9A10
Mail: P.O. Box 17743
Fort Worth, TX 76102
Phone: (817) 978-2753
Fax: (817) 978-2757
Missouri State Bar No. 61185
Attorney for defendant

CERTIFICATE OF CONFERENCE

I, Erin Brennan, hereby certify that on November 18, 2014, I conferred with Assistant United States Attorney J. Michael Worley regarding the above motion and he indicated that the government does not oppose this motion.



Erin Brennan
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I, Erin Brennan, hereby certify that on November 24, 2014, the original of this motion of defendant Desiree Alia Bakhshai was hand delivered to the Court and a copy was hand delivered to the Assistant United States Attorney J. Michael Worley and the U.S. Probation Office.



Erin Brennan
Assistant Federal Public Defender

Texas Health and Human
Services Commission

Report of Pregnancy

Form H3037
April 2003

The Texas Health and Human Services Commission (HHSC) provides certain cash assistance and/or Medicaid coverage for low income pregnant women. To administer these programs, the department needs the information requested below. Please verify the items checked below and return the white copy of this form in the postage paid envelope provided.

THE DEPARTMENT CANNOT PAY YOU FOR COMPLETING THIS FORM. Thank you for your assistance.

Name of Patient <u>Desiree Bakhshai</u>	Case Name (if different)	Case No.
---	--------------------------	----------

☒ Month Pregnancy Began April 2014

☐ Are multiple births anticipated? ☐ Yes ☒ No

If yes, indicate the number anticipated:

☐ Date of Expected Delivery 1/4/2015

☐ Should patient be exempt from working? ☐ Yes ☐ No

x Liz Hughes, CMA 8-26-14
Signature - Physician, Advanced Nurse Practitioner, RN, or
Other Medical Professional (under physician's orders) Date

Name (please type or print)
Liz Hughes, CMA

Title <input checked="" type="checkbox"/> Physician <input type="checkbox"/> Advanced Nurse Practitioner (includes certified nurse-midwife) <input type="checkbox"/> Registered Nurse <input checked="" type="checkbox"/> Other Medical Professional (under physician's orders): Specify: <u>CMAA</u>	
Address <u>201 Walls Dr Ste 502 Cleb Tx 76033</u>	
Name of Supervising Physician <u>Dr. Audrey Puentes</u>	Telephone No. <u>817-556-7777</u> Telephone No.

Client complete page 2.
El cliente debe llenar la página 2.

PLEASE RETURN TO:

Caseworker	Date
Office Address and Telephone No.	

DEFENDANT'S EXHIBIT
CASE NO. <u>4:14-cr-07A</u>
EXHIBIT NO. <u>A</u>